

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 4

**DOCKET NO.:** 2005-0492-MWD-E **TCEQ ID:** Texas Pollutant Discharge Elimination System ("TPDES")Permit No. 12195-001 and RN101917870 **CASE NO.:** 24717**RESPONDENT NAME:** City of Lorena

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Lorena, approximately 3,500 feet south of the intersection of Center Street and Front Street, Lorena, McLennan County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 29, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> The Honorable Chuck Roper, Mayor, City of Lorena, 114 East Center Street, Lorena, Texas 76655 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 6, 2004</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 21, 2005 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Four violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to prevent the discharge and accumulation of solids in the receiving stream and to ensure that all systems of collection, treatment and disposal were properly operated and maintained. Sludge was noted in the receiving stream at the point of discharge and downstream. Analysis of samples collected from the receiving stream at the point of confluence with the discharge indicated high ammonia nitrogen, total Kjeldahl nitrogen, total phosphates and ortho-phosphates, indicating the presence of partially or untreated sewage. Analysis of samples collected upstream indicated low values for the above parameters. Specifically the following operational problems were noted:</p> <p>a. bar screenings were not kept in a covered storage receptacle and screening debris was noted on the ground surrounding the receptacle;</p> <p>b. excessive scum on the surface of both clarifiers;</p> <p>c. the collection system experiences problems with inflow during periods of rainfall; and</p> <p>d. an evaluation of the mixed liquor and solids inventory of the wastewater</p>	<p><b>Total Assessed:</b> \$10,800</p> <p><b>Total Deferred:</b> \$2,160  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$8,640</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has taken the following corrective measures at the Facility, as documented in a letter to the TCEQ Waco Regional Office dated December 14, 2004:</p> <p>a) Installed a wire mesh to capture screenings which are then disposed of in a covered dumpster;</p> <p>b) Began performing manganese oxide correction for chlorine residual analysis;</p> <p>c) Purchased new standard pH buffers;</p> <p>d. Obtained a new Hach pH electrode with temperature probe and started recording the slope when utilizing the pH meter; and</p> <p>e. Installed a functional forced air ventilation system in the chlorination room.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit a copy of the annual sludge report for 2003 and 2004.</p> <p>b. Within 30 days after the effective date of this Agreed Order, conduct an evaluation of the receiving stream to determine the extent of wastewater treatment plant solids, if any, deposited in the receiving stream and onto adjacent affected properties. If the evaluation determines that solids need to be removed, disposal of the removed sludge shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface or groundwater. The City shall maintain written records of the amount of sludge removed, the technique used, and the ultimate disposal site.</p>

<p>treatment plant indicated poor solids management within the plant.</p> <p>[TPDES Permit No. 12195-001, Effluent Limitations and Monitoring Requirements No. 4 and Operational Requirements No. 1, TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.125(5)].</p> <p>2) Failed to comply with test procedures specified in the permit and Commission rules and failed to maintain records of monitoring activities. Specifically, the following issues were noted:</p> <p>a. manganese oxide correction factor was not being performed for chlorine analysis;</p> <p>b. pH buffers had expired; and</p> <p>c. calibration records for the dissolved oxygen meter did not include the barometric pressure or elevation noted during the calibration.</p> <p>[TPDES Permit No. 12195-001, Monitoring and Reporting Requirements No. 2 and 3(c)(vi), 30 TEX. ADMIN. CODE §§ 319.11(a) and 319.11(e) and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>3) Failed to submit an annual sludge report to the TCEQ by September 1 of each year. Specifically, the City failed to submit an annual sludge report for 2003 and 2004 [TPDES Permit No. 12195-001, Section III. Requirements Applying to All Sewage Sludge Disposed In a Municipal Solid Waste Landfill, Paragraph G. Reporting Requirements and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>4) Failed to have a functional forced air ventilation system for the chlorination housing [30 TEX. ADMIN. CODE § 317.6(b)(1)(E)].</p>		<p>c. In the event that the receiving stream evaluation required in Ordering Provision No. 3.b. determines that no remediation is necessary, submit written certification in accordance with 3.k below, confirming that no remediation is required, to the TCEQ within 45 days after the effective date of this Agreed Order.</p> <p>d. In the event that the receiving stream evaluation required in Ordering Provision 3.b. determines that remediation is necessary, complete remediation of the receiving stream within 60 days after the effective date of this Agreed Order.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification as described in 3.k. below that solids have been removed from the receiving stream and disposed of in accordance with the requirements of Ordering Provision 3.b.</p> <p>f. Within 90 days after the effective date of this Agreed Order, develop a solids management plan (SMP) for the wastewater treatment plant and submit a copy in accordance with 3.k. below. The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance with the system. The SMP shall be prepared by a Texas registered professional engineer or a Class "A" TCEQ certified wastewater operator and shall include, at a minimum, the following items:</p> <p>i. A schedule for performing the following process control tests and recommended ranges to be maintained: mixed liquor 30-minute sludge settleability (SV<sub>30</sub>), mixed liquor suspended solids (MLSS), sludge volume index (SVI) sludge density index (SDI), mixed liquor dissolved oxygen concentration, and clarifier sludge blanket depth;</p> <p>ii. Recommended sampling location for the process control measurements;</p> <p>iii. Procedures outlining actions to be taken in the event that any of the above process control test results fall outside the recommended range;</p> <p>iv. Procedure for determining the appropriate solids removal rate and frequency; and</p> <p>v. Identification of the ultimate disposal site for the sludge, and a system for maintaining sludge disposal records in accordance with</p>
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the requirements of the permit.

g. Within 120 days after the effective date of this Agreed Order, the engineer or Class "A" operator shall review the SMP in the field with the City's wastewater treatment plant operator(s). Immediately following the field review, the City shall implement the SMP.

h. Within 120 days after the effective date of this Agreed Order, develop and implement a plan and schedule for mitigating the effects of inflow/infiltration on the collection system. The plan and schedule shall be prepared by a Texas registered professional engineer and shall include, but not be limited to, obtaining funding for collection system rehabilitation, a schedule for upgrading the collection system, and an evaluation phase to determine the effectiveness of the upgrades to the collection system. The plan and schedule shall be submitted to the TCEQ.

i. Within 130 days after the effective date of this Agreed Order, provide written certification as described in 3.k. below, that the requirements contained in Ordering Provision Nos. 3.g. and 3.h. have been implemented.

j. Within 730 days after the effective date of this Agreed Order, complete construction and divert all wastewater to the new regional wastewater treatment plant and submit written certification within 750 days as described in 3.k. below.

k. Submit documentation as required in Ordering Provision No. 3.a., f., and h. and written certification, including photographs and or records to demonstrate compliance with Ordering Provision No. 3.c., e., i., and j.

**Attachment A**  
**Docket Number: 2005-0492-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

Respondent:	City of Lorena
Penalty Amount:	Eight Thousand Six Hundred Forty Dollars (\$8,640)
SEP Offset Amount:	Eight Thousand Six Hundred Forty Dollars (\$8,640)
Type of SEP:	Custom (with a pre-approved concept)
Location of SEP:	McLennan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall partner with Keep McLennan County Beautiful to perform an electronics collection and recycling event in McLennan County. The Respondent shall ensure that the event:

- occurs on a weekend during daylight hours;
- offers to the public a convenient drop-off location; and
- is advertised in a newspaper of large circulation in the geographic area.

The Respondent shall participate with Keep McLennan County Beautiful to collect, transport, and recycle the collected electronic components. The SEP Offset related to this Order will be used for the direct cost of performance of the event and will not be used for administrative costs.

The Respondent shall ensure that its portion of this project shall be performed in accordance with all federal, state and local laws and regulations. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The recycling portion of the event will include recycling of E-waste materials. E-waste materials include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds



of lead. E-waste can contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

This SEP will limit potentially toxic or hazardous e-waste from the waste stream destined for disposal or incineration and to divert the e-waste to environmentally sensitive recycling. This will save valuable landfill capacity and allow the recycler to re-utilize e-waste components, including CRTs.

This SEP will limit potentially toxic or hazardous wastes from being improperly disposed of in the environment by providing for the recycling of electronics such as televisions, computer, and cellular telephones, and will help rid the community of the dangers and health threats associated with non-regulated dumping or disposal of these materials in landfills.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of coordination of the event. The Respondent shall complete the event within one year of the effective date of this Agreed Order.

**3. Reporting**

Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred by the Respondent;
3. A statement of quantifiable environmental benefits, such as number or pounds of electronics collected and recycled;
4. Photographs of the project before implementation and after completion; and
5. Any additional information the Respondent believes will demonstrate compliance with this agreement.





Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, with the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to ATexas Commission on Environmental Quality@ and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.



**7. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.





## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 10, 2004

TCEQ

**DATES** Assigned **28-Feb-2005**  
**PCW** **16-Jun-2005** **Screening** **24-Feb-2005** **Priority Due** **29-Apr-2005** **EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** City of Lorena  
**Reg. Ent. Ref. No.** RN101917870  
**Additional ID No(s).** Texas Pollutant Discharge Elimination System Permit No. 12195-001  
**Facility/Site Region** 9-Waco  **Major/Minor Source** Minor Source

## CASE INFORMATION

**Enf./Case ID No.** 24717 **No. of Violations** 4  
**Docket No.** 2005-0492-MWD-E **Order Type** 1660 with deferral   
**Case Priority** 2  **Enf. Coordinator** Michael Meyer  
**Media Program(s)** Water Quality  **EC's Team** Enforcement Team 8   
**Multi-Media**   
**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1  \$6,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 80% Enhancement **Subtotals 2, 3, & 7**  \$4,800

Notes

The Respondent had fifteen (15) months of self-reported effluent violations and one (1) written NOV for same or similar violations.

Culpability

No 

0% Enhancement

Subtotal 4  \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5  \$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with a small x)

Notes

The Respondent is not yet in compliance.

Economic Benefit

0% Enhancement\*

Subtotal 6  \$0

Total EB Amounts \$4,357

\*Capped at the Total EB \$ Amount

Approx. Cost of Compliance \$50,450

SUM OF SUBTOTALS 1-7

Final Subtotal  \$10,800OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment  \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount  \$10,800

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty  \$10,800

DEFERRAL

20% Reduction

Adjustment  -\$2,160

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

 \$8,640

<b>Screening Date</b> 24-Feb-2005	<b>Docket No.</b> 2005-0492-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Lorena		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 24717		<i>PCW Revision December 10, 2004</i>
<b>Reg. Ent. Reference No.</b> RN101917870		
<b>Additional ID No(s).</b> Texas Pollutant Discharge Elimination System Permit No. 12195-001		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Michael Meyer		
<b>Site Address</b>	northern boundary of Lorena Cemetery and immediately west of the Missouri-Kansas-Texas Railroad right-of-way, approximately 3500 feet south of the intersection of Center Street and Front Street	

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	16	80%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 80%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes** The Respondent had fifteen (15) months of self-reported effluent violations and one (1) written NOV for same or similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 80%

**Screening Date** 24-Feb-2005 **Docket No.** 2005-0492-MWD-E **PCW**  
**Respondent** City of Lorena *Policy Revision 2 (September 2002)*  
**Case ID No.** 24717 *PCW Revision December 10, 2004*  
**Reg. Ent. Reference No.** RN101917870  
**Additional ID No(s).** Texas Pollutant Discharge Elimination System Permit No. 12195-001  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Michael Meyer  
**Violation Number** 1

<b>Primary Rule Cite(s)</b>	TPDES Permit No. 12195-001, Effluent Limitations and Monitoring Requirements No. 4 and Operational Requirements No. 1, Tex. Water Code § 26.121(a) and 30 Tex. Admin. Code §§ 305.125(1) and 305.125(5)
<b>Secondary Rule Cite(s)</b>	
<b>Violation Description</b>	<p>Failed to prevent the discharge and accumulation of solids in the receiving stream and to ensure that all systems of collection, treatment and disposal were properly operated and maintained, as documented during an inspection conducted by the TCEQ Waco Regional Office on 10/06/2004. Analysis of samples collected from solids in the receiving stream indicated high ammonia nitrogen, total Kjeldahl nitrogen, total phosphates and ortho-phosphates, indicating the presence of partially or untreated sewage. Analysis of samples collected upstream indicated low values for the above parameters. Specifically, the following operational problems were noted;</p> <p>1) bar screenings were not kept in a covered storage receptacle and screening debris was noted on the ground surrounding the receptacle; 2) excessive scum on the surface of both clarifiers; 3) the collection system experiences problems with inflow during periods of rainfall; and 4) an evaluation of the mixed liquor and solids inventory of the wastewater treatment plant indicated poor solids management within the wastewater treatment plant.</p>

**Base Penalty** \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
OR	Actual		X		<b>Percent</b> 25%
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						<b>Percent</b>

**Matrix Notes** Human health and the environment was exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

**Violation Events**

**Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$2,500

A single event is recommended based on the 10/06/2004 investigation.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$4,325

**Violation Final Penalty Total** \$4,500

**This violation Final Assessed Penalty (adjusted for limits)** \$4,500

**Economic Benefit Worksheet**

Respondent City of Lorena  
Case ID No. 24717  
Reg. Ent. Reference No. RN101917870  
Additional ID No(s). Texas Pollutant Discharge Elimination System Permit No. 12195-001  
Media [Statute] Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50,000	06-Oct-2004	31-Dec-2005	1.2	\$206	\$4,119	\$4,325
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is an estimate of the cost of a new wastewater treatment system as well as upgrades to the collection system based on the amount of a state revolving fund loan awarded to the Respondent by the Texas Water Development Board. The Date Required is the 10/06/2004 investigation and the Final Date is the projected compliance date.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50,000

TOTAL \$4,325



Screening Date 24-Feb-2005

Docket No. 2005-0492-MWD-E

PCW

Respondent City of Lorena

Policy Revision 2 (September 2002)

Case ID No. 24717

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101917870

Additional ID No(s). Texas Pollutant Discharge Elimination System Permit No. 12195-001

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 2

TPDES Permit No. 12195-001, Monitoring and Reporting Requirements No. 2 and 3(c)(vi), 30 Tex. Admin. Code §§ 319.11(a) and 319.11(e) and 30 Tex. Admin. Code § 305.125(1)

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failed to comply with test procedures specified in the permit and Commission rules as documented during an investigation conducted by the TCEQ Waco Regional Office on 10/06/2004. Specifically, the following issues were noted: 1) manganese oxide correction factor was not being performed for chlorine analysis; 2) pH buffers had expired; 3) calibration records for the dissolved oxygen meter did not include the barometric pressure or elevation noted during the calibration.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment -\$9,500

Base Penalty Subtotal \$500

## Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

A single event is recommended based on the 10/06/2004 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

**Economic Benefit Worksheet**

Respondent City of Lorena  
Case ID No. 24717  
Reg. Ent. Reference No. RN101917870  
Additional ID No(s). Texas Pollutant Discharge Elimination System Permit No. 12195-001  
Media [Statute] Water Quality  
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	06-Oct-2004	14-Dec-2004	0.2	\$0	\$3	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The Item Cost is an estimate of the cost of coming into compliance. The Date Required is the date of the 10/06/2004 investigation and the Final Date is the date of the 12/14/2004 letter from the Respondent indicating that corrective measures had been completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$200****TOTAL \$3**

<b>Screening Date</b>	24-Feb-2005	<b>Docket No.</b>	2005-0492-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Lorena			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	24717			<i>PCW Revision December 10, 2004</i>
<b>Reg. Ent. Reference No.</b>	RN101917870			
<b>Additional ID No(s).</b>	Texas Pollutant Discharge Elimination System Permit No. 12195-001			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Michael Meyer			
<b>Violation Number</b>	3			
<b>Primary Rule Cite(s)</b>	TPDES Permit No. 12195-001, Section III. Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, Paragraph G. Reporting Requirements and 30 Tex. Admin. Code § 305.125(1)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to submit an annual sludge report to the TCEQ by September 1 of each year as documented during an investigation conducted by the TCEQ Waco Regional Office on 10/06/2004. Specifically, the Respondent failed to submit an annual sludge report for 2003 and 2004.			

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

		<b>Harm</b>			
<b>Release</b>	Major	Moderate	Minor		
Actual					
Potential					
				Percent	

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			
					Percent 10%
<b>Matrix Notes</b>	100 percent of the rule requirement was not met.				

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

## Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$2,000

Two annual events are recommended for 2003 and 2004 based on the 10/06/2004 investigation.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

**Economic Benefit Worksheet**

Respondent City of Lorena  
Case ID No. 24717  
Reg. Ent. Reference No. RN101917870  
Additional ID No(s). Texas Pollutant Discharge Elimination System Permit No. 12195-001  
Media [Statute] Water Quality  
Violation No. 3

Percent Interest 5.0  
Years of Depreciation 15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

<b>Avoided Costs</b>		<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$25	01-Sep-2003	01-Sep-2004	1.0	\$1	\$25	\$26
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
This is an estimate of the annual cost to complete and submit the annual sludge reports for 2003 and 2004. The Date Required is the date the 2003 annual sludge report was due (9-1-2003) and the Final Date is the date the 2004 annual sludge report was due (9-1-2004).							

Approx. Cost of Compliance **\$25****TOTAL** **\$26**

<b>Screening Date</b>	24-Feb-2005	<b>Docket No.</b>	2005-0492-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Lorena	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	24717	<i>PCW Revision December 10, 2004</i>		
<b>Reg. Ent. Reference No.</b>	RN101917870			
<b>Additional ID No(s).</b>	Texas Pollutant Discharge Elimination System Permit No. 12195-001			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Michael Meyer			
<b>Violation Number</b>	<input type="text" value="4"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 317.6(b)(1)(E)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failed to have a functional forced air ventilation system for the chlorination housing, as documented during an investigation conducted on 10/06/2004."/>			
<b>Base Penalty</b>			<input type="text" value="\$10,000"/>	

>> **Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
<b>Release</b>		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	<input type="text" value="Human health will or could be exposed to significant amount of pollutants which would not exceed levels protective of human health."/>				

**Adjustment** **Base Penalty Subtotal** **Violation Events****Number of Violation Events** 

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty** 

The event period is from the 10/06/2004 investigation to the 12/14/2004 letter from the Respondent indicating compliance had been achieved. One quarterly event is recommended to make the penalty commensurate with the situation.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

**Economic Benefit Worksheet**

Respondent City of Lorena  
Case ID No. 24717  
Reg. Ent. Reference No. RN101917870  
Additional ID No(s). Texas Pollutant Discharge Elimination System Permit No. 12195-001  
Media [Statute] Water Quality  
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$25	06-Oct-2004	14-Dec-2004	0.2	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is an estimate of the cost to include barometric pressure and elevation on the calibration records for the dissolved oxygen meter. The Date Required is the date of the 10/06/2004 investigation and the Final Date is the date of the 12/14/2004 letter from the Respondent indicating that corrective measures had been completed.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$25

TOTAL \$0

## Compliance History

Customer/Respondent/Owner-Operator:	CN600738348	City of Lorena	Classification: AVERAGE	Rating: 0.850
Regulated Entity:	RN101917870	CITY OF LORENA	Classification: AVERAGE	Site Rating: 0.85
ID Number(s):				
	WASTEWATER	PERMIT		TX0083399
	WASTEWATER	PERMIT		TPDES0083399
	WASTEWATER	PERMIT		WQ0012195001
	WASTEWATER LICENSING	LICENSE		WQ0012195001
Location:	Approximately 3500 feet south of the intersection of Center Street and Front Street in Lorena, McLennan County		Rating Date: 9/1/04 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	March 30, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 30, 2000 to March 30, 2005			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Michael Meyer	Phone:	(512) 239-4492	

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |
| 6. Comments:   |     |

### Components (Multimedia) for the Site :

- |    |   |
|----|---|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.   |
|    | N/A   |
| B. | Any criminal convictions of the state of Texas and the federal government.  |
|    | N/A   |
| C. | Chronic excessive emissions events.   |
|    | N/A   |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.)   |
|    | <ol style="list-style-type: none"> <li>1. 03/12/2001 (131084)</li> <li>2. 02/18/2003 (315946)</li> <li>3. 02/12/2004 (315947)</li> <li>4. 03/16/2004 (315948)</li> <li>5. 04/20/2004 (315949)</li> <li>6 05/27/2003 (315950)</li> <li>7. 07/14/2003 (315951)</li> <li>8. 07/16/2003 (315952)</li> <li>9. 05/14/2004 (360656)</li> <li>10. 06/14/2004 (360657)</li> <li>11. 08/26/2003 (315953)</li> </ol> |

12. 07/26/2004 (360658)
13. 09/17/2003 (315954)
14. 04/13/2000 (206454)
15. 10/09/2003 (315955)
16. 03/01/2001 (206455)
17. 08/19/2004 (360659)
18. 11/24/2003 (315956)
19. 09/21/2004 (360660)
20. 02/19/2002 (206456)
21. 12/16/2003 (315957)
22. 10/20/2004 (360661)
23. 03/06/2001 (206457)
24. 01/12/2004 (315958)
25. 03/27/2002 (206458)
26. 03/24/2003 (206459)
27. 04/13/2000 (206460)
28. 04/13/2000 (206461)
29. 04/20/2001 (206462)
30. 04/18/2002 (206463)
31. 04/16/2003 (206464)
32. 05/16/2000 (206465)
33. 05/09/2001 (206466)
34. 05/22/2002 (206467)
35. 06/18/2001 (206468)
36. 06/21/2002 (206469)
37. 07/25/2000 (206470)
38. 07/12/2001 (206471)
39. 07/18/2002 (206472)
40. 08/28/2000 (206473)
41. 08/17/2001 (206474)
42. 09/19/2002 (206475)
43. 09/18/2000 (206476)
44. 09/10/2001 (206477)
45. 09/19/2002 (206478)
46. 10/19/2000 (206479)
47. 10/19/2001 (206480)
48. 10/14/2002 (206481)
49. 11/08/2000 (206482)
50. 11/12/2001 (206483)
51. 11/25/2002 (206484)
52. 01/16/2001 (206485)
53. 12/20/2001 (206486)
54. 12/16/2002 (206487)
55. 12/22/2000 (206488)
56. 05/07/2001 (39051)
57. 02/11/2005 (340925)
58. 01/24/2002 (206489)
59. 01/21/2003 (206490)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/05/2001 (131084)  
 Self Report? NO Classification: Moderate  
 Citation: 2C TWC Chapter 20, SubChapter A 26.121(a)(1)  
 Description: FAILURE TO COMPLY

Date: 02/29/2004 (315948)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2003 (315952)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]



Description: Failure to meet the limit for one or more permit parameter  
Date: 06/30/2004 (360658) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 01/31/2001 (206455) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 02/28/2001 (206457) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 02/28/2003 (206459) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 03/31/2001 (206462) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 08/31/2001 (206477) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 09/30/2000 (206479) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 10/31/2000 (206482) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 11/30/2000 (206485) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 11/30/2002 (206487) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 12/31/2000 (206488) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 12/31/2001 (206489) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 12/31/2002 (206490) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF LORENA  
TEXAS POLLUTANT DISCHARGE  
ELIMINATION SYSTEM PERMIT  
NO. 12195-001  
RN101917870**

§ **BEFORE THE**  
§  
§  
§  
§ **TEXAS COMMISSION ON**  
§  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2005-0492-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Lorena ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater treatment facility located approximately 3,500 feet south of the intersection of Center Street and Front Street in Lorena, McLennan County, Texas (the "Facility").
2. The City has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about January 26, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Eight Hundred Dollars (\$10,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").



Two Thousand One Hundred Sixty Dollars (\$2,160) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Eight Thousand Six Hundred Forty Dollars (\$8,640) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has taken the following corrective measures at the Facility, as documented in a letter to the TCEQ Waco Regional Office dated December 14, 2004:
  - a. installed a wire mesh to capture screening debris which is then disposed of in a covered dumpster;
  - b. began performing manganese oxide correction for chlorine residual analysis;
  - c. purchased new standard pH buffers;
  - d. obtained a new Hach pH electrode with temperature probe and started recording the slope when utilizing the pH meter; and
  - e. installed a functional forced air ventilation system in the chlorination room.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to prevent the discharge and accumulation of solids in the receiving stream and to ensure that all systems of collection, treatment and disposal were properly operated and maintained, in violation of TPDES Permit No. 12195-001, Effluent Limitations and Monitoring Requirements No. 4 and Operational Requirements No. 1, TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE §§



305.125(1) and 305.125(5), as documented during an investigation conducted by the TCEQ Waco Regional Office on October 6, 2004. Sludge was noted in the receiving stream at the point of discharge and downstream. Analysis of samples collected from the receiving stream at the point of confluence with the discharge indicated high ammonia nitrogen, total Kjeldahl nitrogen, total phosphates and ortho-phosphates, indicating the presence of partially or untreated sewage. Analysis of samples collected upstream indicated low values for the above parameters. Specifically, the following operational problems were noted:

- a. bar screenings were not kept in a covered storage receptacle and screening debris was noted on the ground surrounding the receptacle;
  - b. excessive scum on the surface of both clarifiers;
  - c. the collection system experiences problems with inflow during periods of rainfall; and
  - d. an evaluation of the mixed liquor and solids inventory of the wastewater treatment plant indicated poor solids management within the plant.
2. Failed to comply with test procedures specified in the permit and Commission rules and failed to maintain records of monitoring activities, in violation of TPDES Permit No. 12195-001, Monitoring and Reporting Requirements No. 2 and 3(c)(vi), 30 TEX. ADMIN. CODE §§ 319.11(a) and 319.11(e) and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted by the TCEQ Waco Regional Office on October 6, 2004. Specifically, the following issues were noted:
  - a. manganese oxide correction factor was not being performed for chlorine analysis;
  - b. pH buffers had expired; and
  - c. calibration records for the dissolved oxygen meter did not include the barometric pressure or elevation noted during the calibration.
3. Failed to submit an annual sludge report to the TCEQ by September 1 of each year, in violation of TPDES Permit No. 12195-001, Section III. Requirements Applying to All Sewage Sludge Disposed In a Municipal Solid Waste Landfill, Paragraph G. Reporting Requirements and 30 TEX. ADMIN. CODE § 305.125(1) as documented during an investigation conducted on October 6, 2004. Specifically, the City failed to submit an annual sludge report for 2003 and 2004.
4. Failed to have a functional forced air ventilation system for the chlorination housing, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(E), as documented during an investigation conducted on October 6, 2004.





### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Lorena, Docket No. 2005-0492-MWD-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand Six Hundred Forty Dollars (\$8,640) is offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit a copy of the annual sludge report for 2003 and 2004.
  - b. Within 30 days after the effective date of this Agreed Order, conduct an evaluation of the receiving stream to determine the extent of wastewater treatment plant solids, if any, deposited in the receiving stream and onto adjacent affected properties. If the evaluation determines that solids need to be removed, disposal of the removed sludge shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface or groundwater. The City shall maintain written records of the amount of sludge removed, the technique used, and the ultimate disposal site.
  - c. In the event that the receiving stream evaluation required in Ordering Provision No. 3.b. determines that no remediation is necessary, submit written certification as described in 3.k.



below, confirming that no remediation is required, to the TCEQ within 45 days after the effective date of this Agreed Order.

- d. In the event that the receiving stream evaluation required in Ordering Provision 3.b. determines that remediation is necessary, complete remediation of the receiving stream within 60 days after the effective date of this Agreed Order.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described in 3.k. below, that solids have been removed from the receiving stream and disposed of in accordance with the requirements of Ordering Provision 3.b. and d.
- f. Within 90 days after the effective date of this Agreed Order, develop a solids management plan (SMP) for the wastewater treatment plant and submit a copy to the addresses listed in 3.k. below. The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance with the system. The SMP shall be prepared by a Texas registered professional engineer or a Class "A" TCEQ certified wastewater operator and shall include, at a minimum, the following items:
  - i. a schedule for performing the following process control tests and recommended ranges to be maintained: mixed liquor 30-minute sludge settleability ( $SV_{30}$ ), mixed liquor suspended solids (MLSS), sludge volume index (SVI) sludge density index (SDI), mixed liquor dissolved oxygen concentration, and clarifier sludge blanket depth;
  - ii. recommended sampling location for the process control measurements;
  - iii. procedures outlining actions to be taken in the event that any of the above process control test results fall outside the recommended range;
  - iv. procedure for determining the appropriate solids removal rate and frequency; and
  - v. identification of the ultimate disposal site for the sludge, and a system for maintaining sludge disposal records in accordance with the requirements of the permit.
- g. Within 120 days after the effective date of this Agreed Order, the engineer or Class "A" operator shall review the SMP in the field with the City's wastewater treatment plant operator(s). Immediately following the field review, the City shall implement the SMP.
- h. Within 120 days after the effective date of this Agreed Order, develop and implement a plan and schedule for mitigating the effects of inflow/infiltration on the collection system. The plan and schedule shall be prepared by a Texas registered professional engineer and shall include, but not be limited to, obtaining funding for collection system rehabilitation, a schedule for upgrading the collection system, and an evaluation phase to determine the

1. The first part of the paper is devoted to a general discussion of the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters  $\alpha$  and  $\beta$ .

2. In the second part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are small and shall obtain an asymptotic expansion of the solution in powers of these parameters.

3. In the third part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are large and shall obtain an asymptotic expansion of the solution in powers of the reciprocals of these parameters.

4. In the fourth part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

5. In the fifth part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

6. In the sixth part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

7. In the seventh part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

8. In the eighth part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

9. In the ninth part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

10. In the tenth part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

11. In the eleventh part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

12. In the twelfth part we shall consider the case when the parameters  $\alpha$  and  $\beta$  are of the order of unity and shall obtain an asymptotic expansion of the solution in powers of these parameters.

effectiveness of the upgrades to the collection system. The plan and schedule shall be submitted to the addresses listed in 3.k. below.

- i. Within 130 days after the effective date of this Agreed Order, provide written certification as described in 3.k. below, that the requirements contained in Ordering Provision Nos. 3.g. and 3.h. have been implemented.
- j. Within 730 days after the effective date of this Agreed Order, complete construction and divert all wastewater to the new regional wastewater treatment plant and submit written certification within 750 days as described in 3.k. below.
- k. Submit documentation as required in Ordering Provision No. 3.a., f., and h., and written certification as described below, including photographs and or records to demonstrate compliance with Ordering Provision No. 3.c., e., i., and j.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The documentation required in Ordering Provision No. 3.a., f., and h. and the certification required in Ordering Provision No. 3.c., e., i., and j. shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue  
Waco, Texas 76710-7826

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 3, 1862.

3. The third part is a report from the Secretary of the Interior, dated January 3, 1862.

4. The fourth part is a report from the Secretary of the Navy, dated January 3, 1862.

5. The fifth part is a report from the Secretary of the War, dated January 3, 1862.

6. The sixth part is a report from the Secretary of the State, dated January 3, 1862.

7. The seventh part is a report from the Secretary of the War, dated January 3, 1862.

8. The eighth part is a report from the Secretary of the War, dated January 3, 1862.

9. The ninth part is a report from the Secretary of the War, dated January 3, 1862.

10. The tenth part is a report from the Secretary of the War, dated January 3, 1862.

11. The eleventh part is a report from the Secretary of the War, dated January 3, 1862.

12. The twelfth part is a report from the Secretary of the War, dated January 3, 1862.

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.





## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

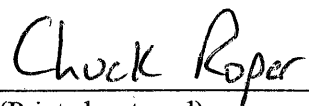
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

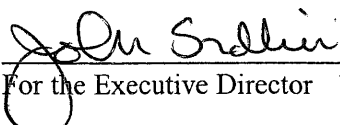
In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

8-30-07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Lorena

Mayor  
\_\_\_\_\_  
Title

  
\_\_\_\_\_  
For the Executive Director

12/10/07  
\_\_\_\_\_  
Date

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2005-0492-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

Respondent:	City of Lorena
Penalty Amount:	Eight Thousand Six Hundred Forty Dollars (\$8,640)
SEP Offset Amount:	Eight Thousand Six Hundred Forty Dollars (\$8,640)
Type of SEP:	Custom (with a pre-approved concept)
Location of SEP:	McLennan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall partner with Keep McLennan County Beautiful to perform an electronics collection and recycling event in McLennan County. The Respondent shall ensure that the event:

- occurs on a weekend during daylight hours;
- offers to the public a convenient drop-off location; and
- is advertised in a newspaper of large circulation in the geographic area.

The Respondent shall participate with Keep McLennan County Beautiful to collect, transport, and recycle the collected electronic components. The SEP Offset related to this Order will be used for the direct cost of performance of the event and will not be used for administrative costs.

The Respondent shall ensure that its portion of this project shall be performed in accordance with all federal, state and local laws and regulations. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The recycling portion of the event will include recycling of E-waste materials. E-waste materials include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds



of lead. E-waste can contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

This SEP will limit potentially toxic or hazardous e-waste from the waste stream destined for disposal or incineration and to divert the e-waste to environmentally sensitive recycling. This will save valuable landfill capacity and allow the recycler to re-utilize e-waste components, including CRTs.

This SEP will limit potentially toxic or hazardous wastes from being improperly disposed of in the environment by providing for the recycling of electronics such as televisions, computer, and cellular telephones, and will help rid the community of the dangers and health threats associated with non-regulated dumping or disposal of these materials in landfills.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of coordination of the event. The Respondent shall complete the event within one year of the effective date of this Agreed Order.

**3. Reporting**

Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred by the Respondent;
3. A statement of quantifiable environmental benefits, such as number or pounds of electronics collected and recycled;
4. Photographs of the project before implementation and after completion; and
5. Any additional information the Respondent believes will demonstrate compliance with this agreement.



Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, with the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to ATexas Commission on Environmental Quality@ and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.





**7. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

